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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SAMANTHA LOPEZ, a Minor, by and
through her Legal Custodian, LILIANA
CORTEZ, FILADELFO LOPEZ, LAURA
ALONZO LOPEZ, ANNA LOPEZ &
JULIA LOPEZ, as surviving heirs of
DAVID ARNULFO LOPEZ, deceased,

Plaintiffs,

v.

COUNTY OF SAN DIEGO, a municipal
corporation, CITY OF VISTA, a
municipal corporation & DOES 1-50,
inclusive,

Defendants.

No. 07CV2028-JLS(WMc)

**NOTICE OF JOINDER AND JOINDER
IN PENDING MOTION TO DISMISS
FILED ON BEHALF OF CITY OF
VISTA**

**[Fed. Rules Civ. P., Rules 12(b)(6) and (7),
and 12(f)]**

Date: June 27, 2008

Time: 10:30 a.m.

Courtroom: 6

The Honorable Janis L. Sammartino

**No Oral Argument Unless Requested by
the Court**

PLEASE TAKE NOTICE that, pursuant to the local civil rules of practice for the
United States District Court for the Southern District of California (Civ. L.R., Rule
7.1(j)), the City of Vista joins in the pending motion to dismiss previously filed on behalf
of the County of San Diego. The motion is scheduled for June 27, 2008, at 10:30 a.m. in
Courtroom 6 before the Honorable Janis L. Sammartino. The City of Vista joins in the

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07CV2028-JLS(WMc)

1 motion in its entirety, including the motion to strike the emotional distress allegations and
2 require joinder of necessary parties, based on the same allegations, facts, and legal
3 theories as the reasons to dismiss as to the County equally apply to the City of Vista.

4 DATED: February 25, 2008 JOHN J. SANSONE, County Counsel

5 By s/DAVID G. AXTMANN, Senior Deputy
6 Attorneys for Defendant County of San Diego and
City of Vista
E-Mail: david.axtmann@sdcounty.ca.gov
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Declaration of Service

I, the undersigned, declare:

That I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California where the service occurred; and my business address is: 1600 Pacific Highway, Room 355, San Diego, California.

On March 20, 2008, I served the following documents: **NOTICE OF JOINDER AND JOINDER IN PENDING MOTION TO DISMISS FILED ON BEHALF OF CITY OF VISTA** in the following manner:

- ☐ By personally delivering copies to the person served.
- ☐ By placing a copy in a separate envelope, with postage fully prepaid, for each addressee named below and depositing each in the U. S. Mail at San Diego, California.
- ☐ By faxing a copy to the person served. The document was transmitted by facsimile transmission and the transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.
- ☒ By electronic filing, I served each of the above referenced documents by E-filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

Victor Manuel Torres: E-Mail lawforvatos@yahoo.com

Ezekiel E. Cortez: E-Mail lawforjustice@aol.com

I declare under penalty of perjury that the foregoing is true and correct.
Executed on March 20, 2008, at San Diego, California.

By: s/DAVID G. AXTMANN